

MELINDA HAAG (CABN 132612)
United States Attorney

J. DOUGLAS WILSON (DCBN 412811)
Chief, Criminal Division

DANIEL KALEBA (CABN 223789)
Assistant United States Attorney

EDWARD R. FLUET (CABN 247203)
Special Assistant United States Attorney

150 Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408) 535-5061
FAX: (408) 535-5066
daniel.kaleba@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

| | | |
|---------------------------|---|---------------------------|
| UNITED STATES OF AMERICA, |) | CASE NO. CR 11-00472 RMW |
| |) | |
| Plaintiff, |) | UNITED STATES' SENTENCING |
| |) | MEMORANDUM |
| v. |) | |
| |) | |
| KEVEN CHEN CHIEH YANG, |) | |
| Defendant. |) | |
| |) | |
| |) | |

The United States respectfully requests this Court accept the agreement of the parties entered pursuant to Rule 11(c)(1)(C). The government agrees with the Sentencing Guidelines calculation and criminal history computation of the Probation Office. The government requests that restitution be entered consistent with the Presentence Report. The agreed upon sentence represents a five month downward variance from the advisory range of 41-51 months. The variance is justified under 18 U.S.C. § 3553(a), including the defendant's acceptance of responsibility, his agreement to pay restitution and make the victims whole, the defendant's criminal history, and in light of the risks and resources associated with trial in this matter.

1 For the foregoing reasons, we asked the court to accept the plea agreement and sentence the
2 defendant consistent with the terms of the negotiated disposition.

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4 DATED: December 20, 2013

Respectfully submitted,
MELINDA HAAG
United States Attorney

6
7 /s/
DANIEL KALEBA
Assistant United States Attorney
EDWARD FLUET
Special Assistant United States Attorney